

IN RE: PETITION FOR ZONING VARIANCE  
E/S Devonbrook Road, 1063' SE  
of Carroll Manor Road  
(13601 Devonbrook Road)  
11th Election District  
6th Councilmanic District  
James M. Earlbek  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-94-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 15 feet in lieu of the required 50 feet for a proposed garage addition as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of September, 1988 that the Petition for Zoning Variance to permit a side yard setback of 15 feet in lieu of the required

50 feet for a garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioner shall not allow or cause the addition to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

JRH:bjs

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

September 9, 1988

Mr. James M. Earlbek  
13601 Devonbrook Road  
Baldwin, Maryland 21030

RE: PETITION FOR ZONING VARIANCE  
E/S Devonbrook Road, 1063' SE of Carroll Manor Road  
(13601 Devonbrook Road)  
11th Election District - 6th Councilmanic District  
Case No. 89-94-A

Dear Mr. Earlbek:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Dennis F. Rasmussen  
County Executive

#### PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 125.2, (1A00.3B.3) to allow a side yard setback of 15 feet in lieu of the required 50 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

- Non-availability of other acceptable locations for construction of a garage due to:
1. Severe grade change in rear of dwelling
  2. Location of septic system
  3. Location of well

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Legal Owner(s):

James Michael Earlbek

(Type or Print Name)

Signature

Address

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

James Michael Earlbek

Name

13601 Devonbrook Rd.

Address

Baldwin, Md. 21030

City and State

687-8400 work

592-2093 home

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 28th day of June, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of Sept., 1988, at 3 o'clock P.M.

ESTIMATED LENGTH OF HEARING (1/2HR) + 1HR.  
AVAILABLE FOR HEARING  
MON./TUES./WED. - NEXT TWO MONTHS  
ALL OTHER, DATE 6-24-88

REVIEWED BY: *J. Robert Haines* DATE 6-24-88

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

July 22, 1988

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-94-A  
ES Devonbrook Road, 1063' SE of Carroll Manor Road  
(13601 Devonbrook Road)  
11th Election District - 6th Councilmanic  
Petitioner(s): James Michael Earlbek  
HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 7, 1988 at 3:00 p.m.  
Variance to allow a side yard setback of 15 feet in lieu of the required 50 feet.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: James Michael Earlbek  
File

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th  
Posted for: Variance  
Petitioner: James Michael Earlbek  
Location of property: E/S Devonbrook Rd., 1063' SE of Carroll Manor Rd.  
(13601 Devonbrook Rd.)  
Location of Sign: At the End of Devonbrook Rd. from 3rd to 4th day  
of property of Baltimore  
Remarks:  
Posted by: *J. Robert Haines* Date of return: 8/24/88  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

J. Robert Haines  
Zoning Commissioner

Date: 8-31-88

Mr. James Michael Earlbek  
13601 Devonbrook Road  
Baldwin, Maryland 21030

Re: Petition for Zoning Variance  
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Dear Mr. Earlbek:

Please be advised that \$105.75 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 059244  
DATE 9/7/88 ACCOUNT ROLLIS-110  
AMOUNT \$ 105.75  
RECEIVED FROM: James Michael Earlbek  
FOR: Pet. Var. 9/7/88 hearing  
B 13601\*\*\*\*\*10573A 89-94-A  
VALIDATION OR SIGNATURE OF CASHIER

post set(s), there each set not

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#### CERTIFICATE OF PUBLICATION

TOWSON, MD. August 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 21 successive weeks, the first publication appearing on August 19, 1988

TOWSON TIMES,

*S. Zafra Orlan*  
Publisher

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